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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
ENTERED

HOUSTON DIVISION

AUG 10 1995

RAYMOND GEORGE RILES,

\*

Michael N. Milby, Clerk

Plaintiff,

\*

v.

\* CIVIL ACTION NO. H-95-820

T.D.C.J.-I.D.,

\*

Defendant.

\*

ORDER FOR SERVICE OF PROCESS

With respect to the above-styled cause of action, it is  
**ORDERED:**

1. Plaintiff's motion to proceed in forma pauperis has been  
GRANTED.

2. The Clerk shall issue summons and the U.S. Marshal shall  
serve a copy of the complaint (Instrument #1), the order for more  
definite statement (Instrument #4), the more definite statement  
(Instrument #5), and of this order upon the following:

M. Bruce Thaler, Warden  
Ellis I Unit, TDCJ-ID  
Route 6  
Huntsville, TX 77343.

The Clerk shall also send a copy of the above instruments to Dan  
Morales, Attorney General of Texas, P.O. Box 12548, Capitol  
Station, Austin, TX 78711.

3. Defendant is permitted forty (40) days from the date of  
service of process in which to answer.

4. The defendant shall file a motion for summary judgment  
under Fed.R.Civ.P. 56, within one hundred twenty (120) days after

the date the defendant's answer is due. Defendant shall submit, with a business records affidavit, copies of any documents relevant to plaintiff's claims and defendant's defenses, including copies of any written TDCJ-ID rules or written unit rules relevant to the alleged events forming the basis of this lawsuit.

If defendant fails to file a motion for summary judgment within the one hundred twenty (120) day time limit, a scheduling order will be entered and docket call will be held within sixty (60) days. Defendant and plaintiff will each be required to file pretrial orders at docket call. The case will be scheduled for trial within two months of docket call.

5. The plaintiff will respond to the defendant's motion within forty-five (45) days of the date in which the defendant mailed plaintiff his copy of the motion, as shown on the defendant's certificate of service. Failure of the plaintiff to respond to the defendant's motion within the time limit will, if appropriate, result in granting of summary judgment in favor of the defendant.

6. It is further ORDERED that each party shall serve the other party, or his counsel, with a copy of every pleading, motion, or other paper submitted for consideration by this Court. Service shall be by mail to the other party. Every pleading, motion, or other document filed with the Clerk of the Court shall be signed by at least one attorney of record in his individual name, whose address shall be stated, or if the party is proceeding pro se, by said party, with address likewise stated. In the case of the pro se party, only signature by the pro se party will be accepted. If



a layman signs a pleading, motion, or other document on behalf of a pro se party, such document will not be considered by the Court.

7. Every pleading, motion, or other document shall include on the original a signed certificate stating the date a true and correct copy of the pleading, motion, or document was mailed and to whom mailed. Failure to mail a copy thereof as certified by the certificate will subject that party to sanction by the Court. Sanctions may include, but are not limited to, (1) automatic striking of the pleading, motion, or other document.

8. There will be no direct communications with the U.S. District Judge or Magistrate Judge. Communications must be submitted to the Clerk with copies to the other party. See Rules 5(a) and 11 of the Federal Rules of Civil Procedure.

The Clerk will provide a copy to the parties.

Signed at Houston, Texas on August 9, 1995.

  
UNITED STATES MAGISTRATE JUDGE